

COPY

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

T03-0099

STIPULATED AGREEMENT NO. 1057

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce COMMISSION, hereinafter referred to as "COMMISSION", the Norfolk Southern Railway Company, hereinafter referred to as "COMPANY", Mount Vernon Township in Jefferson County, Illinois, hereinafter referred to as "TOWNSHIP", and the State of Illinois, Department of Transportation, hereinafter referred to as "DEPARTMENT".

WITNESSETH:

WHEREAS, it has come to the attention of the COMMISSION through informal correspondence that inquiry should be made into the matter of improving public safety at the crossing of the COMPANY's track with a public highway known as Tolle Road/TR322 located near Mount Vernon, Illinois, designated as crossing AAR/DOT 724 774A, milepost 86.21-A; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the COMMISSION's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the COMMISSION by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the COMMISSION enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- (a) The installation of automatic flashing light signals and gates controlled by

DOCKETED

constant warning time circuitry.

- (b) The replacement of split timbers and the tightening of all other timbers in the existing crossing surface at Tolle Road/TR322 in order to comply with requirements of 92 Illinois Administrative Code, Part 1535.203.
- (c) The removal of trees and brush on COMPANY right of way for a distance of 500 feet on the northwest, and southwest quadrants of the subject railroad crossing in order to comply with 92 Illinois Administrative Code, Part 1535.205.
- (d) The reconstruction of the highway approaches, in order to comply with requirements of 92 Illinois Administrative Code, Part 1535.204, and as depicted on the proposed plan in Exhibit C-1.
- (e) The installation of pavement markings on the east approach in order to comply with requirements of 92 Illinois Administrative Code, Part 1535.310.

Section 3 The COMPANY and the TOWNSHIP have each prepared a preliminary estimate of cost to accomplish the proposed improvements, which they may be required to perform. Said estimates are attached as Exhibit B and C. The COMPANY shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the COMMISSION and DEPARTMENT. The TOWNSHIP has also prepared a design plan for the required approach reconstruction and is attached as Exhibit C-1.

Section 4 The COMPANY shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be 60 days and for the completion of the proposed improvements should be twelve (12) months, from the date of COMMISSION Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) The cost to install the automatic flashing light signals and gates controlled by constant warning time circuitry, as set forth in Section 2(a), is estimated at \$208,700. The Fund should pay 95% of the installation costs, not to exceed \$198,265, with the Company paying all remaining installation costs as well as all future operating and maintenance costs;
- b) The cost to renovate the existing crossing surface at Tolle Road/TR322 as set forth in Section 2(b) and all cost of future maintenance of the crossing surface should be paid 100% by the COMPANY.
- c) The cost for the removal of trees and brush on COMPANY right of way for a distance of 500 feet on the northwest and southwest quadrants of the subject railroad crossing as set forth in Section 2(c) and all cost of future maintenance should be paid 100% by the COMPANY.

- d) The cost to reconstruct the highway approaches, as set forth in Section 2(d), estimated to be \$14,359, and all cost of future maintenance of the highway approaches should be paid 100% by the TOWNSHIP.
- (e) The cost for installation and maintenance of the pavement markings to be installed on the east highway approach to the crossing should be paid 100% by the Township.

Section 6 The TOWNSHIP is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the order and indicates this intent by the Resolution attached as Exhibit D.

Section 7 Special Provisions: Since the warning device improvement at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

Since the TOWNSHIP and/or its contractor will perform the highway reconstruction, roadway contractor and railroad liability insurance will be required as specified in the Illinois Department of Transportation's "Standards and Specifications for Road and Bridge Construction".

The COMPANY and the TOWNSHIP, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, shall submit to the Director of Processing and Information, Transportation Division of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of COMPANY or the TOWNSHIP employee responsible for management of their portion of the project.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, 2300 South Dirksen Parkway, Springfield, Illinois 62674. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement.

The Department shall, at the end of the 24th month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 10th day of July, 2003.

A handwritten signature in black ink, appearing to read "M. E. Stead", written over a horizontal line.

Michael E. Stead
Rail Safety Program Administrator

Attest:

A handwritten signature in black ink, appearing to read "Richard A. Daniels", written over a horizontal line.

Richard A. Daniels
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1057 concerning improvements at the crossing of the Norfolk Southern Railway Company's track with a public highway known as Tolle Road/TR322 located in Mount Vernon Township, Jefferson County, Illinois, designated as crossing AAR/DOT 724 774A, milepost 86.21-A.

Executed by the DEPARTMENT this 12th day of August 2003.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:

Vito A. Modugno

Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1057 concerning improvements at the crossing of the Norfolk Southern Railway Company's track with a public highway known as Tolle Road/TR322 located in Mount Vernon Township, Jefferson County, Illinois, designated as crossing AAR/DOT 724 774A, milepost 86.21-A.

Executed by the TOWNSHIP this 18 day of July 2003.

By:

Terry O. Moo

Attest:

Steve Schnake

RECEIVED
NOV 21 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. **1057** concerning improvements at the crossing of the Norfolk Southern Railway Company's track with a public highway known as Tolle Road/TR322 located in Mount Vernon Township, Jefferson County, Illinois, designated as crossing AAR/DOT 724 774A, milepost 86.21-A.

Executed by the COMPANY this 6th day of November 2003.

NORFOLK SOUTHERN RAILWAY
COMPANY
taj

By: JR Comstock

Attest:

Mary Ann M. [Signature]
Asst. Secy

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line NS/A Milepost 86.21 Inventory # 724 774A

City Near Mount Vernon Street Tolle Road/TR 322. County Jefferson

Jurisdiction Local Urban Rural X Commercial Residential

Street Surface Oil and chip on west, asphalt on east Width 21' on west, 25' on east Condition good

Angle 70° Tracks Tangent no Degree of Curve Superelevation 2.5"

Depth of Cut Height of Fill 2'

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		Main	Timber/Asphalt	39'	fair

Intersecting Roads <100' no <200' no

Traffic Control Devices Present: none

ADT 1900 Speed 55 mph/unposted Statewide Yes

School Buses possible Hazardous Materials possible Other N/A

Rail Traffic: Ft. 21 @ 50 mph Pass. @ mph Switch

Simultaneous Movements: No Daylight and Dark: Yes

Present Protection: AFLS

Advance Warning Signs south/Yes, north/replace Pavement Marking no

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		25'	Trees and brush
NW	N/A		25'	Trees and brush
SE	N/A		25'	Trees and brush
SW	N/A		OK	

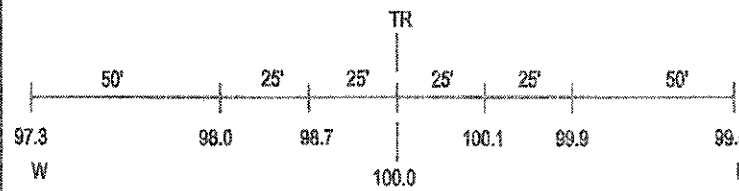
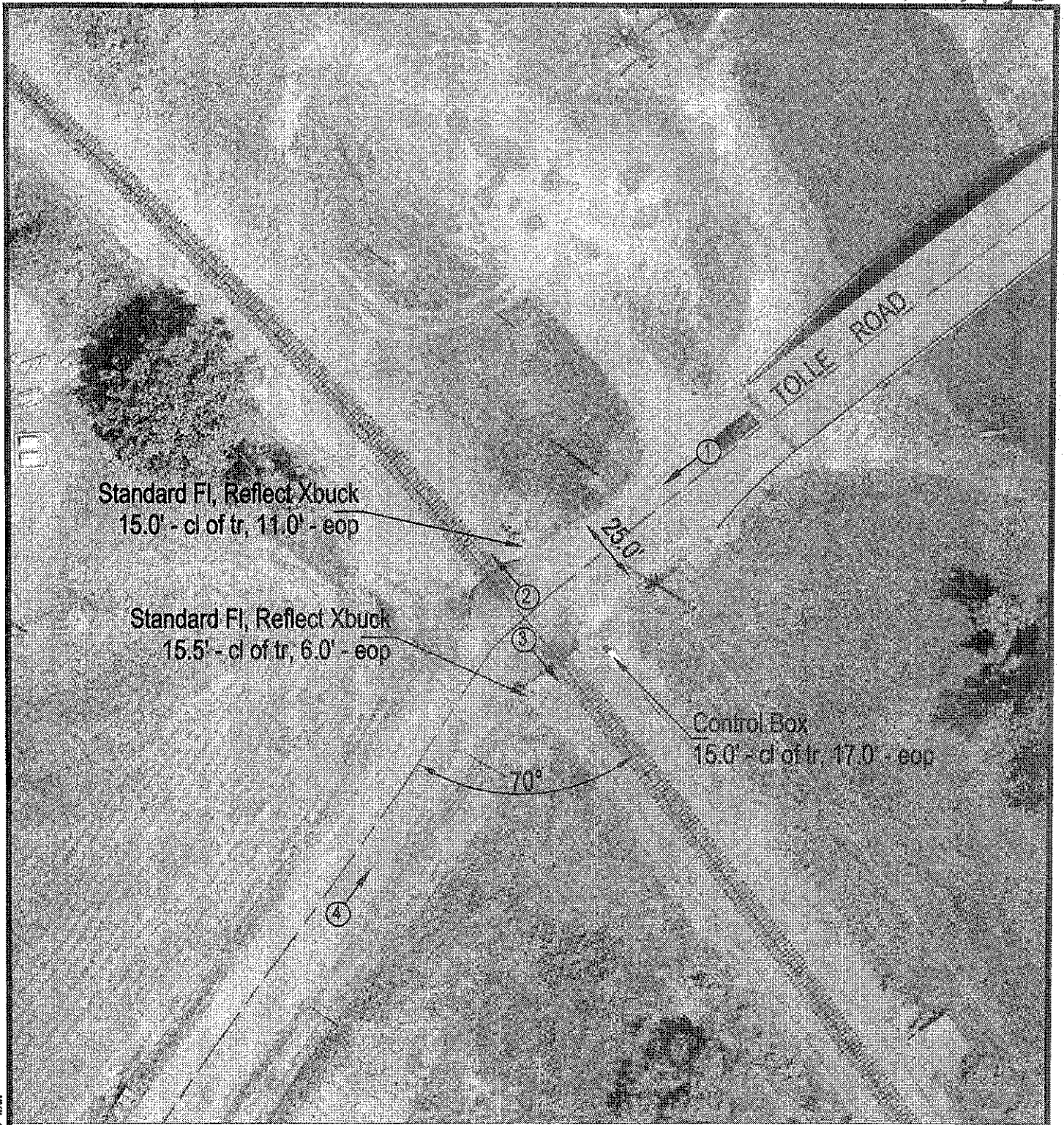
Approach Grades

west	25'	+0.04 %	50'	-0.80 %	'	%
east	25'	-5.20 %	50'	-2.80 %	'	%

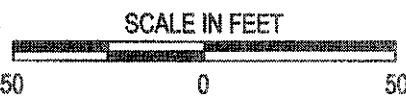
"+" grade is ascending from crossing

"-" grade is descending from crossing

Note: The railroad needs to replace a couple of split timbers and tighten other timbers that are loose on the crossing surface in order to comply with Il Administrative Code 1535.203 , and cut the trees and brush in the SW, and NW quadrants in order to comply with Il Administrative Code 1535.205. The township needs to reconstruct the approach grades in order to comply with Il Administrative Code 1535.204 and paint the pavement markings on the east approach in order to comply with Il Administrative Code 1535.310.



ROAD PROFILE



③ Photo Location

Crossing #: 724774A
 Location: Jefferson Co., City of Mount Vernon (Near)
 Lat/Long: 38°19'54" / 86°53'56"
 Railroad: NS
 Street: Tolle Road
 Railroad Milepost: 86.21
 Crossing Protection: Train Activated Devices

10-Jun-03

Round Figure Estimate for Grade Crossing Warning Devices

City/Stat MOUNT VERNON, IL
MilePost: 86.21-W
State Proj.
S&E Proj. 04.0494
Man Days: 132

Road: TOLLE ROAD
DOT/AAR: 724774A
County: JEFFERSON
AFE:
File 061-04.047

*****Purchases - Other*****

Meals and	\$10,930.00	
Rental of (2 Trucks, 1 Backhoe w/ Trailer and 1 Pipe-Pusher for 33 Days)	\$23,900.00	
Construction Supervision	\$450.00	
Contingencies	\$590.00	
Purchases - Other		\$35,870.00

***** Material and Additives*****

Material	\$89,170.00	
Sales and Use	\$4,460.00	
Material Handling &	\$8,470.00	
Material		\$102,100.00

*****Labor and Additives*****

Labor (4 man crew at \$852.00 a day for: 33 days)	\$28,120.00	
Payroll Tax &&	\$24,350.00	
Preliminary	\$10,320.00	
Construction	\$7,940.00	
Labor		\$70,730.00
Subtotal		\$208,700.00
Credit: (Salvage/Scrap		\$0.00
Project		\$208,700.00

Estimated on: 10-Jun-03

Estimated by: rhray

Estimate valid for 1 year from date of estimate

**COST ESTIMATE
FOR ROAD IMPROVEMENTS
TO TR 322 AT RR CROSSING**

ASPHALT SURFACE COURSE	135.33 TON X \$65/TON.....	\$8,796
ROCK SHOULDERS	26 TON X \$25/TON.....	\$658
FLAGMAN	2 DAYS X \$300/DAY.....	\$600
RR LIABILITY INSURANCE.....		\$3,000
CONTINGENCY @10%.....		\$1,305
TOTAL.....		14,359

Exhibit D

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1057

Date 11-18-03

The Mt Vernon Town Board
(Board or Council)

meeting on 11-18-03, Resolved to authorize Wm Stan Pantuzze
(Name, Office) Supervisor

to act as its designated agent in the processing of this Stipulated Agreement and that Mount Vernon Township is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.